

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION.**

**CRIMINAL APPLICATION No.2214 of 2007.**

Prakash Yashwant Bhagat ..Applicant.

Vs.

The State of Maharashtra ..Respondent.

Mr Mahesh B. Zanwar, Advocate for the applicant.

Mr. K. V. Saste, A.P.P for the State.

**CORAM: V.C. DAGA,J.  
DATED: 25TH JULY, 2007.**

**P.C.:-**

1. Heard learned counsel for the applicant

and learned APP for the State.

2. Perused application and the material

available on record.

3. Learned counsel for the applicant

submits that one of the co-accused Yuvraj Ubhe, whose role has been described in the F.I.R., who allegedly hit on the head of the deceased by a sickle, which was recovered at his instance, came to be released on bail for the offence punishable under Section 302 of the I.P.C. in C.R.No. 741 of 2006 registered with Kothrud Police Station, Pune; as such applicant would also be entitled for bail on parity.

4. He further submits that so far as the role of the applicant is concerned, he had only hit the deceased on head with stone and injured him but the cause of death is not that injury. The death has occurred due cutting of throat by another accused. He, thus, submits that on the ground of parity, the present applicant-accused is entitled for bail.

5. Considering facts of the case, I am inclined to grant bail to the applicant-accused on ground of parity on the following terms and conditions.

a] the applicant-accused Prakash Yashwant Bhagat be released on bail in the sum of Rs. 25,000/- with one or two sureties in the like amount.

b] the applicant shall report Kothrud Police Station, Pune once in a week i.e. on Friday between 3.00 to 5.00 p.m. till conclusion of the trial.

c] the applicant shall not pressurise prosecution witnesses and that he shall co-operate the Investigating agency, if required.

( 3 )

d] the applicant shall not enter Gadve Colony, Kothrud, Pune visit till conclusion of the trial.

e] the applicant-accused shall furnish his full address where he would be staying during the trial.

6. The application is allowed in the above terms.

**(V.C. DAGA,J.)**